IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

WP(C).No. 25746 of 2007(M)

PETITIONERS:
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1. ELDOS.N.A, S/O.ALIYAS,
NANJOOLMALAYIL, KARUKEDAM.P.O.,
KOTHAMANGALAM, ERNAKULAM DISTRICT.

2. BIJU EP., S/O.PAILY, EDASSERIKUDI,
PUTHUPPADI, KOTHAMANGALAM, ERNAKULAM
DISTRICT.

BY ADV. SRI.C.P.MOHAMMED NIAS

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT,
DEPARTMENT OF CO-OPERATION,
GOVT.SECRETARIAT, THIRUVANANTHAPURAM.

2. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (G), ERNAKULAM.

3. THE ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES (C), KOTHAMANGALAM.

4. MAYADEVI.R.,
ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES (G), ERNAKULAM.

5. LAIJU PAULOSE, VAZATTIL HOUSE,
PUTHUPPADI P.O., KOTHAMANGALAM.

BY GOVT. PLEADER SMT. ANU SIVARAMAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.25746 of 2007

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Dated this the 6th day of September, 2007

JUDGMENT

Case of the petitioners in brief is as follows:

They are members of Mathirappally Service Co-operative Bank. It is one of the best run Co-operative Societies. Complaint was obtained with the help of respondents 4 and 5. The inquiry proceedings are ordered on the basis of the complaint. Petitioners are aggrieved as the complaint is a forgery made by the fifth respondent and seventy six others, figuring the petitioners who are the members of the Society as the complainants, when they have neither signed nor supported any of the allegations in Ext.P1. It is stated that the truth will come out once the signatures of the petitioners are sent before an expert.

2. I heard learned Government Pleader, who submits on instructions that in fact the inquiry was completed on 14.8.2007. It was completed before Ext. P3 representation was received from the petitioners. The prayer in the writ petition is to direct the first

respondent to order an appropriate inquiry regarding the veracity of Ext.P1 as well as the circumstances under which the petitioners' names are fraudulently shown as complainants in Ext.P1 and also to consider Exts.P3 and P4 and to take appropriate action in accordance with law.

3. Learned counsel for the petitioners submits that petitioners are not concerned with the complaint and also not concerned with the fate of the inquiry report. I do not think that it is proper to direct the authority under the Co-operative Societies Act to consider this matter and to send the signatures for expert opinion. Complaints are lodged only after the report is filed, going by the submission made by the learned Government Pleader.

Leaving open the right of the petitioners to move any other forum, the writ petition is closed.

(K.M. JOSEPH, JUDGE)

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